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## **REPORT**

on the proposal for a Council regulation applying a scheme of generalised tariff preferences

(COM(2004)0699 – COM(2005)0043 - C6-0001/2005 – 2004/0242(CNS))

Committee on International Trade

Rapporteur: Antolín Sánchez Presedo

Draftsman(\*):

Margrietus van den Berg, Committee on Development

(\*) Enhanced cooperation between committees - Rule 47 of the Rules of Procedure

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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(\*) Enhanced cooperation between committees - Rule 47 of the Rules of Procedure



## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a Council regulation on applying a scheme of generalised tariff preferences  
(COM(2004)0699 - COM(2005)0043 - C6-0001/2005 – 2004/0242(CNS))**

### **(Consultation procedure)**

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2004)0699)<sup>1</sup>,
  - having regard to the amended Commission proposal to the Council (COM(2005)0043)<sup>2</sup>,
  - having regard to the communication from the Commission to the Council and the European Parliament ‘Developing countries, international trade and sustainable development: the function of the Community’s generalised system of preferences (GSP) for the ten-year period from 2006 to 2015’ (COM(2004)0461)<sup>3</sup>,
  - having regard to its resolution of 14 October 2004 on ‘Developing countries, international trade and sustainable development: the function of the Community’s generalised system of preferences (GSP) for the ten-year period from 2006 to 2015’<sup>4</sup>,
  - having regard to Article 133 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0001/2005),
  - having regard to Rule 51 of its Rules of Procedure,
  - having regard to the report of the Committee on International Trade and the opinions of the Committee on Development, the Committee on Budgets, Committee on the Environment, Public Health and Food Safety, the Committee on Agriculture and the Committee on Fisheries (A6-0045/2005),
1. Approves the amended Commission proposal as amended;
  2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
  3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
  5. Instructs its President to forward its position to the Council and Commission.

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<sup>1</sup> Not yet published in OJ.

<sup>2</sup> Not yet published in OJ

<sup>3</sup> Not yet published in OJ.

<sup>4</sup> P6\_TA-(2004)0024.

Amendment 1  
Recital 1 a (new)

***(1a) Since its creation, the Generalised System of Preferences (GSP) has been one of the key EU trade and development policy instruments to assist developing countries reduce poverty by generating revenue through international trade and to contribute to their sustainable development by promoting industrial development and the diversification of their economies.***

*Justification*

*It should be underscored that the first and overall objective of the scheme is to assist developing countries to reduce poverty.*

Amendment 2  
Recital 4

(4) This Regulation is the first regulation implementing those guidelines. ***It*** should apply from 1 April 2005 until 31 December 2008.

(4) This Regulation is the first regulation implementing those guidelines. ***After being published in the Official Journal of the European Union, it*** should apply from 1 April 2005 until 31 December 2008.

*Justification*

*The rapporteur wishes to facilitate an earlier application of the first regulation to those countries that may benefit more from an early application, including those affected by the Tsunami catastrophe.*

Amendment 3  
Recital 6 a (new)

***(6a) In order to increase the utilisation rate of the GSP and to allow developing countries to capture the benefits of international trade and preferential arrangements, the European Union will***

***strive to provide these countries, and in particular the LDCs, with adequate technical assistance.***

Amendment 4  
Recital 7

(7) The special arrangement for sustainable development and good governance is based on an integral concept of sustainable development as recognized by international conventions and instruments such as the UN Declaration on the Right to Development of 1986, the Rio Declaration on Environment and Development of 1992, the ILO Declaration on Fundamental Principles and Rights at Work of 1998, the UN Millennium Declaration of 2000 and the Johannesburg Declaration on Sustainable Development of 2002. Consequently, developing countries which due to a lack of diversification and insufficient integration into the international trading system are vulnerable while assuming special burdens and responsibilities due to the ratification and effective implementation of core international conventions on human and labour rights, environmental protection and good governance should benefit from additional tariff preferences. These preferences are designed to promote further economic growth and thereby to respond positively to the need for sustainable development. Under this arrangement *ad valorem* tariffs are therefore suspended for the beneficiary countries, as well as specific duties (unless combined with an *ad valorem* duty).

(7) The special arrangement for sustainable development and good governance is based on an integral concept of sustainable development as recognized by international conventions and instruments such as the UN Declaration on the Right to Development of 1986, the Rio Declaration on Environment and Development of 1992, the ILO Declaration on Fundamental Principles and Rights at Work of 1998, the UN Millennium Declaration of 2000 and the Johannesburg Declaration on Sustainable Development of 2002. Consequently, developing countries which due to a lack of diversification ***and means of economic development*** and to insufficient ***appropriate*** integration into the international trading system are vulnerable, while assuming special burdens and responsibilities due to the ratification and effective implementation of core international conventions on human and labour rights, environmental protection and good governance, should benefit from additional tariff preferences. These preferences are designed to promote further economic growth and thereby to respond positively to the need for sustainable development. Under this arrangement *ad valorem* tariffs are therefore suspended for the beneficiary countries, as well as specific duties (unless combined with an *ad valorem* duty).

Amendment 5  
Recital 9

(9) The Commission ***should*** monitor the effective implementation of the international conventions in accordance with the respective mechanisms thereunder and

(9) The Commission ***will*** monitor the effective implementation of the international conventions in accordance with the respective mechanisms thereunder and ***will***

**should** assess the relationship between additional tariff preferences and the promotion of sustainable development.

assess the relationship between additional tariff preferences and the promotion of sustainable development.

*Justification*

*The change of "will" into "should" made in the new draft, takes away the obligation from the Commission to effectively monitor the implementation of the conventions and evaluate the effect of the preferential trade regime. Since the Commission has never done this in the past, the obligation of a proper assessment, as to see whether it meets its objectives, has to be assured by the regulation. In addition it has to be assured that the conventions are properly implemented in practice and that the countries can expect control on this point.*

Amendment 6  
Recital 13 a (new)

***(13a) In order to prevent the erosion of preferences, the Commission will consider transferring products currently classified as "sensitive" to the "non-sensitive" category in the next regulation.***

Amendment 7  
Recital 16

(16) For the sake of coherence of the Community commercial policy, a beneficiary country should not benefit from both the Community's scheme of generalised tariff preferences and a free trade agreement, if that agreement covers ***at least all the preferences provided by the present scheme for that country.***

(16) For the sake of coherence of the Community commercial policy, a beneficiary country should not benefit from both the Community's scheme of generalised tariff preferences and a free trade agreement, if that agreement covers ***and effectively implements and, where appropriate, consolidates at least all the preferences granted by the present scheme for that country.***

*Justification*

*The rapporteur wishes to strengthen the coherence of the Community commercial policy by ensuring that a free trade agreement will be built upon the preferences already enjoyed by a beneficiary country under the present scheme. Consequently, the new free trade agreement should implement and, when appropriate, consolidate all the preferences previously granted by the present scheme.*



Amendment 8  
Recital 17 a (new)

***(17a) From 2008, the graduation mechanism will be applied so as to prevent the possible graduation of imports from beneficiary countries of the present scheme whose exports to the Community in a given section have not increased in relation to other GSP beneficiaries.***

*Justification*

*The new graduation formula depends to a great extent on the 'base' of imports to which it applies. In order to remove the uncertainties about the graduation mechanism after 2008, this amendment aims at preventing the eventual graduation of countries as a result of the mere arithmetic escalation that would result from a smaller 'base' of GSP eligible imports following the graduation of certain GSP imports and the possible exclusion from GSP of beneficiary countries benefiting from trade agreements with the Community.*

Amendment 9  
Recital 18 a (new)

***(18a) Regulation (EEC) No 2454/93 laying down the system of rules of origin will be reviewed in the near future in order to better serve the purpose of promoting economic and industrial development.***

***The review will be completed at the latest one year prior to the expiry of this Regulation and will cover the form, substance and procedures of the system of origin of rules, based on best international practice and with a view to harmonising existing systems within the EU.***

***The new system of rules of origin will consider, amongst other issues, cross-regional cumulation and global cumulation, the elimination of the requirement of a double transformation process for certain products, and the consideration of a country as eligible for GSP and Everything But Arms (EBA) preferential treatment even if it is not the final country for export, provided that***

***significant value is added to the goods in that country.***

*Justification*

*The current rules of origin are stricter than necessary to meet their objective. Consequently, utilisation rates of GSP preferences, including EBA, remain unacceptably low. The Commission should adapt the rules of origin as soon as possible so that these rules better serve the purpose of promoting economic and industrial development.*

Amendment 10

Recital 21 a (new)

***(21a) According to Article 37 (6) of the ACP-EU Partnership Agreement, the revision of this Regulation in 2008 shall take into account the interests of the ACP countries, including non-LDCs, not willing or able to conclude an Economic Partnership Agreement (EPA) in the context of the Cotonou Agreement, so that the GSP provides them with at least an equivalent preferential treatment to the one they were granted under the Cotonou Agreement.***

*Justification*

*It is important to underscore that non-LDC ACP which are not in a position to join EPAs with the Community should be provided with an adequate alternative for the preferences they enjoyed under the Cotonou agreement. Therefore, the current GSP regulation should be subject to possible revision after future discussion with ACP countries.*

Amendment 11

Article 1, paragraph 1

1. The Community scheme of generalised tariff preferences (hereafter “the scheme”) shall apply from 1 April 2005 to 31 December 2008 in accordance with this Regulation.

1. The Community scheme of generalised tariff preferences (hereafter “the scheme”) shall apply ***after being published in the Official Journal of the European Union*** from 1 April 2005 to 31 December 2008 in accordance with this Regulation.

*Justification*

*See amendment to Recital 4.*

Amendment 12  
Article 3, paragraph 1 a (new)

***1a. On the basis of the latest comparable and adjusted data available at the time of adoption of this Regulation, the Commission shall establish which beneficiary countries meet the criteria set out in paragraph 1.***

*Justification*

*The amendment re-introduces the rationale of Art. 3, paragraph 2 of the original version of COM(2004)699, in order to increase data security and create transparency for all potentially participating countries. It is unclear, why the amended proposal of the Commission opted for deletion of this paragraph. If the Tsunami effect on trade relations shall be taken into account, the data timeline should be moved from the originally proposed date of 1st September 2004 to the earliest possible date of comparable data.*

Amendment 13  
Article 3, paragraph 1b (new)

***1b. Each year the Commission shall publish a notice in the Official Journal of the European Union listing the beneficiary countries which meet the condition set out in paragraph 1.***

*Justification*

*This measure will make the scheme more predictable.*

Amendment 14  
Article 3, paragraph 2

2. When a beneficiary country benefits from a commercial agreement with the Community ***which covers at least all the preferences provided by the present scheme for that country, it shall be removed from the list of beneficiary***

2. When a beneficiary country benefits from a commercial agreement with the Community, ***application of the commercial agreement shall take precedence provided it effectively implements and, where appropriate,***

*countries in Annex I.*

*consolidates at least all the preferences granted by the present scheme to that country. A commercial agreement with the Community will not preclude eligibility for the special incentive arrangement provided for in Section 2 of this Regulation.*

Or. en

*Justification*

*It should be stressed that a bilateral or regional trade agreement with the Community takes precedence over unilateral trade concessions. However, rather than 'excluding' beneficiary countries from the list in Annex I because of a commercial agreement, a distinction should be drawn between eligible countries (potential beneficiaries) and actual beneficiaries.*

Amendment 15

Article 3, paragraph 3 a (new)

***(3a) In order to improve the impact of the present scheme, the Commission shall provide developing countries and especially LDCs with adequate technical assistance for the purpose of building the institutional and regulatory capacity required to capture the benefits of international trade and the GSP.***

*Justification*

*As established in the WTO Doha Declaration, in the Monterrey Consensus and the conclusions of the WSSD of Johannesburg, developing countries should be provided with adequate technical assistance to participate fully in the international trading system and preferential regimes.*

Amendment 16

Article 3, paragraph 3 b (new)

***3b. When the Commission calculates graduation percentages, the level of imports formerly eligible for GSP of countries under Article 3(2), will be included in the calculation.***

*Justification*

*When the European Union signs commercial agreements with developing countries these countries will therefore not be eligible for GSP anymore. This should not influence the graduation percentages of other developing countries.*

Amendment 17

Article 5, paragraph 3 a (new)

***(3a) The Commission shall give priority within the World Trade Organisation to harmonising rules of origin which introduce preferential treatment for the developing and least developed countries.***

*Justification*

*In accordance with the Doha process it is proposed that, as part of the efforts to harmonise rules of origin undertaken within the WTO, the European Union should make clear its desire to focus on the GSP.*

Amendment 18

Article 8, paragraph 3 a (new)

***(3a) Technical assistance shall also be provided to help eligible developing countries comply with the ratification and effective implementation requirements of the new special incentive arrangement for sustainable “development” and good governance.***

*Justification*

*Developing countries that are willing to assume the special burdens and responsibilities from the ratification and effective implementation of the international conventions required by the special incentive arrangement should be assisted in their efforts.*

Amendment 19

Article 9, paragraph 1, point c)

(c) ***commits itself*** to ratify and effectively implement ***by 31 December 2008 those conventions listed in Part B of Annex III which it has not yet ratified and effectively implemented***, and

(c) ***actually begins procedures*** to ratify and effectively implement ***all the conventions listed in Annex III within 4 years after first being granted the special incentive agreement.***, and.

*Justification*

*Simply committing itself should not be enough to entitle a country to benefit from the special incentive arrangements of GSP preferences.*

*The special incentive arrangement is an essential part of the GSP as an incentive for sustainable development and good governance. It should therefore not be limited to the countries that are sufficiently developed when this Regulation enters into force, but should remain an incentive in the years to come.*

Amendment 20  
Article 9, paragraph 2, point b)

(b) whose GSP-covered imports to the Community represent less than 1% in value of total GSP-covered imports to the Community.

(b) whose GSP-covered imports to the Community represent less than 1% in value of total GSP-covered imports to the Community ***or less than 2% thereof if its GSP-covered imports in one section account for more than 50% of its total GSP-covered imports to the Community.***

*Justification*

*This exception would maintain a strict threshold for covered imports while ensuring that only highly dependent countries qualify as vulnerable for the GSP+ regime.*

Amendment 21  
Article 9, paragraph 3

3. The Commission shall keep under review the status of ratification and effective implementation of conventions listed in Annex III. Prior to the expiry of the period of application of this regulation, the Commission shall present to the Council a report concerning the status of ratification of such conventions, ***including*** recommendations on whether ***the ratification and effective implementation of***

3. The Commission shall keep under review the status of ratification and effective implementation of conventions listed in Annex III. Prior to the expiry of the period of application of this regulation, the Commission shall present to the Council a report concerning the status of ratification ***and implementation*** of such conventions ***by each country benefiting from the special incentive arrangement. Where appropriate,***

*such conventions should be required in order to benefit from the future granting of the special incentive arrangement for sustainable development and good governance.*

*the Commission shall include recommendations on whether additional steps for the effective implementation of a convention should be taken by a specific country.*

*In its report the Commission shall also evaluate the effectiveness of the special arrangement in fulfilling its aim and recommend, where appropriate, the revision of Annex III.*

#### *Justification*

*The special arrangement in the GSP has until now had limited effect and it is important to allow for the new special arrangement to be adapted and revised over time so as to attain its aim.*

#### Amendment 22

##### Article 10, paragraph 1, point (a)

(a) a country or territory listed in Annex I made a request to that effect ***within three months after the date of entry into force of this Regulation***, and

(a) a country or territory listed in Annex I made a request to that effect, and

#### *Justification*

*The special incentive arrangement is an essential part of the GSP as an incentive for sustainable development and good governance. It should therefore not be limited to the countries that are sufficiently developed when this Regulation enters into force, but should remain an incentive in the years to come.*

#### Amendment 23

##### Article 10, paragraph 2 a (new)

***(2a) Where a State meeting the conditions laid down in Article 9(2) has not ratified and implemented a maximum of two of the Conventions listed in Annex III due to constitutional constraints but undertakes to ratify and implement them as quickly as possible in accordance with its constitutional provisions, with the assistance of the international organisations responsible, this may be considered by the Commission as***

*equivalent to compliance with the conditions laid down in Article 9(1). The Commission shall monitor strict compliance with the undertaking and shall withdraw the benefits under the special arrangement in the event of any infringements or unjustified delay on the part of the requesting country. The Commission shall hear evidence from any relevant source, including the competent international organisation, and where appropriate the European Parliament and civil society representatives, and shall inform the Committee and the European Parliament.*

#### *Justification*

*In line with the main objective of promoting and encouraging the special arrangement, this amendment seeks to bring the requirements of the regulation into line with the legal requirements in eligible countries which undertake to ratify and implement the 16 Conventions listed in part A of Annex III.*

#### Amendment 24 Article 11, paragraph 1

1. Where the Commission receives a request accompanied by the information referred to in Article 10, the Commission shall examine the request. The examination shall take into account the findings of the relevant international organisations and agencies. It may ask the requesting country any questions which it considers relevant and *may* verify the information received with the requesting country or *any natural or legal person*.

1. Where the Commission receives a request accompanied by the information referred to in Article 10, the Commission shall examine the request. The examination shall take into account the findings of the relevant international organisations and agencies. It may ask the requesting country any questions which it considers relevant and *should* verify the information received with the requesting country or *any relevant source, including where appropriate the European Parliament and relevant representatives of civil society, such as social partners. The Commission shall inform the requesting country, the European Parliament and the Committee of its assessments and invite the requesting country to comment.*



### *Justification*

*Account should be taken of the views of civil society representatives, including members of national parliaments, when assessing the implementation of many of the conventions included in Annex III. The European Parliament should be kept informed at all times of important stages in the management of the system.*

#### Amendment 25

##### Article 11, paragraph 3

3. The Commission shall notify a requesting country of a decision taken in accordance with paragraph 2. Where a country is granted the special incentive arrangement, it shall be informed of the date on which that decision enters into force. The Commission shall by 30 June 2005 at the latest ***list in Annex I, Column E*** the beneficiary countries benefitting from the special incentive arrangement for sustainable development and good governance.

3. The Commission shall notify a requesting country of a decision taken in accordance with paragraph 2. Where a country is granted the special incentive arrangement, it shall be informed of the date on which that decision enters into force. The Commission shall ***publish in the Official Journal of the European Union***, by 30 June 2005 at the latest, ***a list of*** the beneficiary countries benefitting from the special incentive arrangement for sustainable development and good governance.

#### Amendment 26

##### Article 11, paragraph 4

4. Where a requesting country is not granted the special incentive arrangement, the Commission shall explain the reasons ***if that country so requests***.

4. Where a requesting country is not granted the special incentive arrangement, the Commission shall explain the reasons ***and inform the requesting country and the European Parliament thereof***.

### *Justification*

*In the interests of greater transparency, legal certainty and democratic control, both the European Parliament and the beneficiary states should be kept informed at all times of the implementation, progress and results of the GSP.*

#### Amendment 27

##### Article 11, paragraph 5

5. The Commission shall conduct all relations with a requesting country

5. The Commission shall conduct all relations with a requesting country

concerning the request in close coordination with the committee indicated in Article 26.

concerning the request in close coordination with the committee indicated in Article 26 **and with the European Parliament.**

*Justification*

*See amendment to Article 11, paragraph 4.*

Amendment 28  
Article 12, paragraph 4

4. Common Customs Tariff duties on the products of tariff heading 1701 shall be reduced by 20 % on 1 July 2006, by 50 % on 1 July 2007 and by 80 % on 1 July 2008. They shall be entirely suspended as from 1 July 2009.

**4. *Without prejudice to the longer transition delays and/or smaller percentages that may be established by the future reform of the Common Market Organisation (CMO) for sugar***, common Customs Tariff duties on the products of tariff heading 1701 shall be reduced by 20 % on 1 July 2006, by 50 % on 1 July 2007 and by 80 % on 1 July 2008. They shall be entirely suspended as from 1 July 2009.

Amendment 29  
Article 12, paragraph 5 a (new)

**5a. *Article 12(5) shall be without prejudice to the provisions established by the future reform of the Common Market Organisation (CMO) for sugar.***

Amendment 30  
Article 12, paragraph 7

7. When a country is excluded by the United Nations from the list of the least developed countries, it is withdrawn from the list of the beneficiaries of this arrangement. The removal of a country from the arrangement and the establishment of a transitional period shall be decided by the Commission, in accordance with the procedure referred to

7. When a country is excluded by the United Nations from the list of the LDCs, it is withdrawn from the list of the beneficiaries of this arrangement. The removal of a country from the arrangement and the establishment of a ***reasonable*** transitional period ***of between 12 and 24 months*** shall be decided by the Commission, in accordance with the

in Article 27.

procedure referred to in Article 27.

*Justification*

*In the interests of transparency and legal certainty, the rapporteur would like to see the transitional period defined more clearly. Nevertheless, since the United Nations is drawing up a proposal for a transitional period which the Commission intends to apply, the rapporteur wanted at least to adjust the wording to make the system more predictable.*

Amendment 31

Article 13, paragraph 1

1. The tariff preferences referred to in Articles 7 and 8 shall be removed in respect of products originating in a beneficiary country, of a section, when the average value of Community imports **from that country of products included in the section concerned and covered by the arrangement enjoyed by that country exceeds** 15 % of the value of Community imports of the same products from all countries and territories listed in Annex I over three consecutive years, on the basis of the most recent data available on 1 September 2004. For section XI the threshold is **12.5 %**.

1. The tariff preferences referred to in Articles 7 and 8 shall be removed in respect of products originating in a beneficiary country, of a section, when **it has attained a high level of competitiveness. For this purpose, a high level of competitiveness shall be deemed to have been attained by a beneficiary country when** the average value of Community imports **of products from a section in that country which benefit from the arrangements granted under the present scheme exceeds by** 15 % the value of Community imports of the same products from all countries and territories listed in Annex I over three consecutive years, on the basis of the most recent data available on 1 September 2004. For section XI the threshold is **10 %**.

*Justification*

*The GSP's main aim is to promote the LDC's development and trade diversification. Loss of preferences due to graduation is no punishment, but a result of increased competitiveness, showing that preferences are not any more needed to encourage exports.*

*After the end of MFA based quotas the European textile industry will be seriously harmed by a 12.5 % threshold which would not allow to exclude countries that do not need preferences to encourage the export capacity of their highly competitive textile industry and whose performance in this sector make them major competitors in the EU market.*

Amendment 32

Article 13, paragraph 3 a (new)

**3a. The calculation of graduation percentages after 2008 shall be based on the data used as referred to in paragraph 1, including all GSP- covered imports at the time this Regulation enters into force.**

*Justification*

*In order to enhance predictability and facilitate foreign investment, benefiting countries need to be assured that graduation thresholds are not influenced, and de facto lowered, by graduations and countries removed entirely from GSP eligibility due to the signing of other EU trade agreements since 2004.*

Amendment 33

Article 15, paragraph 1, point (e)

(e) serious and systematic unfair trading practices which have an adverse effect to the Community industry, including those which are prohibited or actionable under the WTO Agreements, ***provided that a determination to that effect has been made previously by the competent WTO body and the unfair practise has not been addressed;***

(e) serious and systematic unfair trading practices which have an adverse effect to the Community industry, including those which are prohibited or actionable under the WTO Agreements;

*Justification*

*The provision deleted is too cumbersome and time-consuming. It would mean that the Community could not respond rapidly or efficiently to deal with unfair trading practices.*

Amendment 34

Article 15, paragraph 1, point (f)

(f) serious and systematic infringements of the objectives of regional fishery organisations or arrangements *to* which the Community is a *Member* concerning the conservation and management of fishery resources.

(f) serious and systematic infringements of the objectives of regional fishery organisations or arrangements *of* which the Community is a *member* concerning the conservation and management of fishery resources, ***and failure to comply with European health and hygiene standards.***

*Justification*

*The new GSP is now open to all fishing products and has to take into account the fact that because they are perishable foods they must fulfil optimum conditions for human consumption*

*which are very demanding under EU law for our own products in health and hygiene terms.*

Amendment 35  
Article 16, paragraph 1

1. Where the Commission or a Member State receives information that may justify temporary withdrawal of preferential arrangements and where the Commission considers that there are sufficient grounds for an investigation, the Commission shall inform the Committee.

1. Where the Commission, ***the European Parliament*** or a Member State receives information that may justify temporary withdrawal of preferential arrangements and where the Commission considers that there are sufficient grounds for an investigation, the Commission shall ***immediately*** inform the Committee ***and the European Parliament***.

*Justification*

*The role of the European Parliament should be reinforced.*

Amendment 36  
Article 16, paragraph 2

2. The Commission may decide, in accordance with the procedure referred to in Article 28, to initiate an investigation.

2. The Commission may decide, in accordance with the procedure referred to in Article 28, to initiate an investigation. ***With regard to the reasons referred to in point (a) of Article 15(1), the Commission shall automatically initiate an investigation in all cases in which the ILO Conference Committee on the Application of Standards has approved a “Special Paragraph” on labour practices in a beneficiary country with regard to the core labour standards.***

*Justification*

*The EU should be encouraged to further moves towards greater effectiveness for ILO instruments. The application of the Core Labour standards is of particular importance for upholding the legitimacy of the GSP+ special incentive programme. Therefore, starting an investigation in the case of ILO indicated violations of the core labour standards should be mandatory.*

Amendment 37  
Article 17, paragraph 3

3. The Commission shall seek all

3. The Commission shall seek all

information it considers necessary and may verify the information received with economic operators and the beneficiary country concerned. The available assessments, comments, decisions, recommendations and conclusions of the various supervisory bodies of the UN, the ILO and other competent international organizations, shall serve as the point of departure for the investigation as to whether temporary withdrawal is justified for the reason referred to in point (a) of Article 15(1).

information it considers necessary and may verify the information received with economic operators, **relevant representatives of civil society, including social partners**, and the beneficiary country concerned. The available assessments, comments, decisions, recommendations and conclusions of **other EU institutions and** the various supervisory bodies of the UN, the ILO and other competent international organisations, shall serve as the point of departure for the investigation as to whether temporary withdrawal is justified for the reason referred to in point (a) of Article 15(1).

#### *Justification*

*The European Parliament should be informed immediately when states are included in or excluded from the generalised system of preferences and of any important procedures concerning the management of the system.*

#### Amendment 38 Article 18, paragraph 1

1. The Commission shall submit a report on its findings to the Committee.

1. The Commission shall submit a report on its findings to the Committee **and the European Parliament**.

#### *Justification*

*See amendment to Article 11, paragraph 4.*

#### Amendment 39 Article 18, paragraph 5

5. Where at the end of the period referred to in paragraph 3, the Commission finds that the beneficiary country concerned has not made the required commitment, and where it considers temporary withdrawal necessary, it shall submit an appropriate proposal to the Council, which shall decide

5. Where at the end of the period referred to in paragraph 3, the Commission finds that the beneficiary country concerned has not made the required commitment, and where it considers temporary withdrawal necessary, it shall, **after informing the European Parliament**, submit an

within 30 days by a qualified majority. Where the Council decides on temporary withdrawal, such decision shall enter into force six months after it was taken, unless it is decided before then that the reasons justifying it no longer prevail.

appropriate proposal to the Council, which shall decide within 30 days by a qualified majority. Where the Council decides on temporary withdrawal, such decision shall enter into force six months after it was taken, unless it is decided before then that the reasons justifying it no longer prevail.

*Justification*

*See amendment to Article 11, paragraph 4.*

Amendment 40  
Article 19, paragraph 1, introduction

1. After informing the Committee, the Commission may suspend the preferential arrangements provided for in this Regulation in respect of all or of certain products, originating in a beneficiary country:

1. After informing the Committee **and the European Parliament**, the Commission may suspend the preferential arrangements provided for in this Regulation in respect of all or of certain products, originating in a beneficiary country:

*Justification*

*See amendment to Article 11, paragraph 4.*

Amendment 41  
Article 20, paragraph 4

4. The Commission shall take a decision within 30 working days after consulting the Committee.

4. The Commission shall take a decision within 30 working days after consulting the Committee **and after informing the European Parliament**.

*Justification*

*See amendment to Article 11, paragraph 4.*

Amendment 42  
Article 20, paragraph 5

5. Where exceptional circumstances requiring immediate action make an investigation impossible, the Commission

5. Where exceptional circumstances requiring immediate action make an investigation impossible, the Commission

may, after informing the Committee, take any preventive measure which is strictly necessary.

may, after informing the Committee **and the European Parliament**, take any preventive measure which is strictly necessary.

*Justification*

*See amendment to Article 11, paragraph 4.*

Amendment 43  
Article 21

Where imports of products included in Annex I to the EC Treaty cause, or threaten to cause, serious disturbance to Community markets or their regulatory mechanisms, the Commission may suspend the preferential arrangements in respect of the products concerned after informing the management committee for the relevant common market organisation.

Where imports of products included in Annex I to the EC Treaty cause, or threaten to cause, serious disturbance to Community markets or their regulatory mechanisms, **or fishery products do not comply with the minimum standards required for European Union products with similar characteristics**, the Commission may suspend the preferential arrangements in respect of the products concerned after informing the management committee for the relevant common market organisation.

*Justification*

*See amendment to Article 15, paragraph 1, point (f).*

Amendment 44  
Article 21

(21) Where imports of products included in Annex I to the EC Treaty cause, or threaten to cause, serious disturbance to Community markets or their regulatory mechanisms, the Commission may suspend the preferential arrangements in respect of the products concerned after informing the management committee for the relevant common market organisation.

(21) Where imports of products included in Annex I to the EC Treaty cause, or threaten to cause, serious disturbance to Community markets or their regulatory mechanisms, the Commission may suspend the preferential arrangements in respect of the products concerned after informing **the European Parliament and** the management committee for the relevant common market organisation.



*Justification*

*See amendment to Article 11, paragraph 4.*

Amendment 45  
Article 22, paragraph 1

1. The Commission shall inform the beneficiary country concerned of any decision taken in accordance with Articles 19, 20 or 21 before it becomes effective. The Commission shall also notify the Council and the Member States thereof.

1. The Commission shall inform the beneficiary country concerned ***as soon as possible*** of any decision taken in accordance with Articles 19, 20 or 21 before it becomes effective. The Commission shall also notify the Council, ***the European Parliament*** and the Member States thereof.

*Justification*

*See amendment to Article 11, paragraph 4.*

Amendment 46  
Article 22, paragraph 2

2. Any Member State may refer a decision taken in accordance with Articles 19, 20 or 21 to the Council within ten days. The Council, acting by qualified majority, may adopt a different decision within 30 days.

2. Any Member State may refer a decision taken in accordance with Articles 19, 20 or 21 to the Council within ten days. The Council, acting by qualified majority, may adopt a different decision within 30 days, ***after informing the European Parliament.***

*Justification*

*See amendment to Article 11, paragraph 4.*

Amendment 47  
Article 25, paragraph 3

3. The Commission shall, in close cooperation with Member States, monitor the imports of products of CN code 0803 00 19, of tariff headings 0603, 1006, and 1701 and of CN codes 1604 14 11, 1604 14 18, 1604 14 90, 1604 19 39 ***and***

3. The Commission shall, in close cooperation with Member States, monitor the imports of products of CN code 0803 00 19, of tariff headings 0603, 1006, and 1701 and of CN codes 1604 14 11, 1604 14 18, 1604 14 90, 1604 19 39,

1604 20 70 in order to determine whether the conditions referred to in Articles 20 and 21 are fulfilled.

1604 20 70, **1604 14 16 and 1604 19 31** in order to determine whether the conditions referred to in Articles 20 and 21 are fulfilled.

*Justification*

*The inclusion in Article 25 of these sections referring to tuna ribs and processed products, so that they are covered by its monitoring and follow-up procedures, is necessary because these are extremely sensitive products.*

Amendment 48  
Article 25 a (new)

**Article 25a**

***1. The Commission shall keep Parliament periodically informed with regard to:***

***(a) trade statistics between the European Union and GSP beneficiary countries;***

***(b) the status of ratification and implementation of the conventions included in Annex III by each country benefitting from the special incentive arrangement. Where appropriate, the Commission will include recommendations on whether additional steps for the effective implementation of a convention should be taken by a specific country;***

***(c) relevant information on progress towards the achievement of the Millennium Development Goals, especially in Least Developed Countries.***

***2. The Commission shall prepare an impact assessment study of the effects of the GSP covering the period from 1 July 2005 to 1 January 2007. The study shall be transmitted to the Committee, the European Parliament and the Economic and Social Committee by 1 March 2007.***

***3. The Commission, after consulting the Committee, will set the contents of the impact-assessment study referred to in paragraph 2, which shall include the views of the beneficiary countries and in any***

*event shall contain at least the following elements:*

- an in-depth statistical analysis of GSP utilisation rates per country and section including a comparison with previous years;*
- an evaluation of the social and trade-related effects of graduation on graduated countries;*
- a preliminary assessment of the effects of future graduation on the countries likely to be graduated under the next regulation;*
- a comparative study of the preferential treatment offered by the GSP and the ACP-EU Cotonou Agreement to ACP countries, with a view to providing them, in a revised regulation, with at least an equivalent preferential treatment to the one they were granted under the Cotonou Agreement;*
- an analysis of the potential effects of extending the system of preferences by increasing the preferential margin accorded for sensitive products and/or transferring 'sensitive' products to the 'non-sensitive' category;*
- an evaluation of the contribution of this regulation to the achievement of the Millennium Development Goals (MDGs), in particular in relation to LDCs.*

*4. The Commission shall submit a special report to the European Parliament at the conclusion of the Doha Round, examining the impact of the negotiations on the scheme established in this Regulation and considering the measures to be adopted to ensure the effectiveness of the generalised system of preferences.*

#### *Justification*

*It is necessary to establish a regular system for monitoring and assessing the regulation and keeping the European Parliament informed; to make provision in the regulation for the impact that WTO negotiations will have on the LDCs; and to take account of a wide-ranging*

*assessment of the system, together with the opinion of the beneficiary countries, before taking steps to revise the present regulation. In a context marked by the erosion of preferences, particular attention should be paid to the possible improvement of the scope and generosity of the scheme.*

Amendment 49  
Article 26, paragraph 3

3. The Committee shall examine the effects of the Community scheme of generalised tariff preferences, on the basis of ***a report from the Commission covering the period 1 April 2005 to 31 December 2008. This report shall cover all preferential arrangements referred to in Article 1(2).***

3. The Committee shall examine the effects of the Community scheme of generalised tariff preferences, on the basis of ***the impact-assessment study referred to in Article 25a.***

*Justification*

*In order to adequately review the Regulation in 2008, a good impact-assessment study on the functioning of the system during the period 2005 to 2007 is necessary.*

Amendment 50  
Article 30, paragraph 1

1. This Regulation shall enter into force on 1 April 2005. Council Regulation (EC) No 2501/2001 is repealed with effect from 1 April 2005.

1. This Regulation shall enter into force on 1 April 2005. Council Regulation (EC) No 2501/2001 is repealed with effect from 1 April 2005 ***without prejudice to paragraph 1a.***

*Justification*

*See amendment to Recital 4.*

Amendment 51  
Article 30, paragraph 1 a (new)

***1a. Sections 2 and 4 of Title II, Sections 1 and 2 of Title III, and Title IV of Council Regulation (EC) No 2501/2001 shall remain applicable until the publication in the Official Journal of the European Union of the list of the beneficiary countries entitled to benefit from the special incentive arrangement provided for in Section 2 of this Regulation. The special incentive***

***arrangements provided for in Council Regulation (EC) No 2501/2001 shall remain applicable until 31 December 2005 to the beneficiary countries that are not included in the list of beneficiary countries for the special incentive arrangement provided for in Section 2 of this Regulation.***

*Justification*

*This provision presents the possibility of a loophole for beneficiary countries in the interim period between the repeal of the previous special incentive arrangements and the entry into force of the new one. This could also facilitate an early application of the new Regulation in accordance with Amendment 2 in order to guarantee the principle of legitimate trust and sound administration, and in order to prevent undesirable and unwanted damage to beneficiary countries and economic operators.*

Amendment 52  
Article 30, paragraph 2 a (new)

***2a. The proposal for a revised regulation covering the period 1 January 2009 to 31 December 2011 shall be transmitted by the Commission to the Council, the European Parliament and the Economic and Social Committee by 1 June 2007. The new proposal shall duly take into consideration the results of the impact-assessment study referred to in Article 25a(2).***

*Justification*

*In order to comply with the requirement of one-year predictability requested by beneficiary countries and economic operators, the revised Regulation should be approved by 1 January 2008. In order to allow for a meaningful consultation with the European Parliament and relevant stakeholders, the proposal should be issued at least six months in advance (1 June 2007). This timing enables the Commission to incorporate the findings of the impact-assessment study, which shall be published by 1 March 2007. Ideally this timing of reporting and revision should be incorporated in future Regulations.*

## EXPLANATORY STATEMENT

On 20 October 2004, in anticipation of the expiry on 31 December 2005 of Council Regulation (EC) No 2501/2001 applying a multiannual scheme of generalised tariff preferences (GSP), and following the adoption in July 2004 of the Guidelines on the Role of the GSP for the next 10 year period, 2006-2015 (COM(2004)0461), the Commission published a first proposal for a first Council regulation applying the new GSP (COM(2004)699).

Before the proposal for a regulation was published, Parliament responded to the Communication of 7 July on the new guidelines for the GSP for the 10 year period 2005-2015 with two oral questions (to the Commission and the Council), tabled on behalf of the Committee on International Trade and the Committee on Development, followed by a debate (at its sitting of 14 October) and a resolution adopted by a broad majority<sup>1</sup>.

Following the disaster caused by the tsunami, and when the procedure for consulting the European Parliament was nearing its conclusion, the Commission decided on 10 February 2005 to submit a fresh, amended proposal for a GSP regulation (COM(2005) 043) which, among other changes, brings forward the entry into force of the new scheme to 1 April 2005.

The European Parliament has monitored the reform of the system, including the amended proposal, in detail, with great interest and with the greatest possible degree of flexibility, and has been involved from the outset in an attempt to ensure that the process benefits from greater transparency and democratic control. This report is therefore the culmination of long parliamentary work on a subject that is of key importance to the EU's relations with the rest of the world.

Since its introduction in 1971 the GSP has been an essential trade policy instrument helping developing countries to generate income through international trade, with the aim of helping to eradicate poverty and promote sustainable development. The GSP therefore needs to be consistent with development policy objectives and compatible with the Doha Programme.

Regrettably, and contrary to the wishes expressed by Parliament in its resolution P6\_TA-(2004)0024 (Paragraph 21), the Commission did not begin the consultation process on the first GSP implementing regulation sufficiently in advance to enable the partner countries, civil society representatives and the EU Institutions, including the European Parliament, to take part and be fully consulted within a reasonable timescale.

Your rapporteur wishes to stress that, leaving aside the understandable urgency with which the proposal was amended following the tragedy caused by the tsunami, the process of consultation and reform of the system has been over-hasty and particularly unfortunate in the light of the new Constitution. Once ratified, this Constitution will give Parliament the role of co-legislator in matters relating to trade and the GSP implementing regulations will be adopted by the co-decision procedure (normal legislative procedure).

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<sup>1</sup> P6\_TA-(2004)0024

## *Explanation of amendments*

The rapporteur's amendments are intended to improve the Commission proposal in line with four basic objectives: (1) to produce a more effective system more responsive to the interests of beneficiary countries and economic operators; (2) to develop rules that will provide for a better regulated reform process in which the involvement of the beneficiaries is guaranteed; (3) to ensure that the regulation gives due weight to the task of democratic control which Parliament is required to perform; and (4) to bring the European Union's GSP scheme into line with the multilateral framework provided by the WTO and the Doha process.

Greater transparency and legal certainty must be a hallmark of the EU. Many of the amendments tabled, whose main thrust is summarised below, are geared to the aim of making the GSP a clearer and more transparent system.

### *1. Timetable*

After considering the initial proposal for a regulation (COM(2004) 699), your rapporteur took the view that the implementation timetable proposed by the Commission, with entry into force scheduled for 1 July 2005, was inadequate. The Commission itself had stressed on countless occasions that the GSP implementing regulations should be published sufficiently in advance (at least eight months) to enable economic operators and beneficiary countries to adjust to the changes introduced, particularly as regards the new special arrangement. Your rapporteur therefore regrets that, contrary to what was said in the July communication on GSP guidelines and contrary to what Commissioner Lamy himself announced in Parliament at the debate of 14 October, the initial Commission proposal set the date for the full entry into force of the new regulation at 1 July 2005, instead of 1 January 2006 as initially scheduled, making it impossible to ensure an orderly transition to the application of the new special arrangements.

The main innovation made by the amended proposal presented by the Commission on 10 February 2005 is to bring forward the regulation's entry into force to 1 April 2005, thereby allowing all the beneficiary countries, and in particular those affected by the tsunami, to enjoy the advantages offered by the new GSP immediately. As well as speeding up the timetable, the amended proposal provides for the provisional application until 31 May 2005 of the new special scheme (GSP+) to those countries which already meet the requirements laid down by the Regulation (six countries listed in column E of Annex I).

Your rapporteur endorses the Commission's intention to bring forward the Regulation's entry into force to 1 April 2005 so that the countries hit by the tsunami can benefit from the advantages offered by the new system as soon as possible. Nevertheless, your rapporteur believes that, in accordance with the principles of legal certainty, sound administration and legitimate trust, a transitional period should be provided until 31 December 2005 so that countries which benefit from the special schemes currently in force under Council Regulation (EC) No 2501/2001 and which are not included in the list of beneficiaries of the new special incentive scheme do not suffer an unjustified erosion of preferences.

This reflects a clear desire for reform and compliance with the WTO ruling, yet without undermining the higher principles governing the legal system.

At the same time, as stated in one of the amendments tabled by your rapporteur, it must be stressed that the ratification and effective implementation of the conventions provided for by the new special scheme must be completed as rapidly as possible, in accordance with the constitutional rules and legal constraints applying in the beneficiary country concerned.

## **2. *Exclusion clause (Article 3(5) and graduation mechanism (Article 13(1))***

The rapporteur has re-worded the so-called 'exclusion' and 'graduation' clauses with the aim of making the provisions more rigorous and rational.

With regard to graduation, the rapporteur wishes to express its concern at a mechanism which, despite simplifying the system by means of a single and objective criterion (market share), could end up discriminating against countries with the same degree of development solely on the basis of their size. The Commission has argued that the proposed graduation mechanism is compatible with the 'non-discrimination' undertakings given at the WTO. The rapporteur, being attached to the principle of positive equal opportunities, believes that graduation should at all events be applied in line with objective and relevant data as part of a sustainable development strategy designed to promote greater economic diversification.

## **3. *Rules of origin***

Rules of origin and the administrative procedures that accompany them are one of the main reasons for the under-utilisation of the trade preferences granted by the GSP, particularly by the least developed countries. The proposal for a regulation makes no changes to the rules of origin system. However, in the light of the debate initiated by the Commission green paper on rules of origin and in anticipation of a wide-reaching reform of the customs code, the rapporteur believes that a clear message should be sent regarding the urgent need to undertake a substantial reform that will assist the countries benefiting under the present system. This reform should allow regional cumulation as proposed by the Commission and also include the possibility of horizontal cumulation between regions or global cumulation for the countries benefiting from special arrangements under the GSP. Along the same lines, consideration should be given to introducing more favourable rules on the requirements for granting recognition of origin to a product. In line with the Doha process, it is proposed that the European Union voice its desire to give priority to the GSP in the context of the work being undertaken within the WTO on the harmonisation of rules of origin.

## **4. *Assessment studies and implementation of the Doha Round***

In line with the clear message sent by Parliament's resolution of 14 October, your rapporteur deeply regrets that the regulation, which is the first to implement the new ten-year guidelines for the GSP, does not refer to any prior thorough evaluation of the functioning and impact of the system.

In order to prevent this flagrant lack of quantitative and qualitative information on the functioning of the GSP from recurring in future, your rapporteur has proposed a new article governing the assessment procedure, providing for the inclusion of remarks by the beneficiary countries.



The rapporteur is also proposing a specific analysis of the potential effects on the GSP once the ongoing multilateral negotiations have been completed (Doha Round). This study will help the developing and least developed countries to participate actively and without reservation in the negotiating process, with the certainty that the European Union will implement the measures necessary not only to avoid any 'erosion of preferences' but to maintain and strengthen the existing preferential treatment.

At the same time, and with the precise aim of improving the rate of utilisation of the scheme at a time when preferences are being eroded, the rapporteur is proposing that before the next reform an assessment be made of the potential effects of increasing the preferential ceiling through an increase in the preferential margin (3.5%) granted for 'sensitive' products. The Commission has used only one method (extending the number of 'non-sensitive' products) of the three available (number of products, preferential margin and change of product category) to improve the generosity of the preferences granted under the GSP.

### ***5. Parliament's role***

Finally, the rapporteur regrets that, in such a sensitive proposal, the Commission should have overlooked the need to involve Parliament in the main management procedures for the GSP. Until the new Constitution is ratified and the GSP implementing regulations are adopted by the normal legislative procedure (codecision), the rapporteur is proposing various amendments aimed at ensuring that Parliament's function of democratic control is respected.

### ***6. Participatory democracy and technical improvements***

Greater transparency, a requirement for prior assessment, and official publication and dissemination of information are all necessary procedures in order to develop a genuine dialogue with the stakeholders, the institutions responsible, social interlocutors and civil society.

### ***7. Technical assistance***

Your rapporteur has tabled two amendments aimed at increasing the impact of the present system and improving the rate of utilisation of the GSP through the provision of technical assistance specifically designed to build the institutional and regulatory capacity required to allow the countries most in need to take maximum advantage of the benefits of international trade and the GSP.

### ***8. Enhanced cooperation***

Your rapporteur considers the GSP to be a key trade instrument geared to the development of beneficiary countries, and accordingly his work has been guided by the wish to ensure that his report and that drawn up by the Committee on Development coincide as closely as possible - a wish which has involved tabling compromise amendments. Your rapporteur regrets that the very tight deadlines for the parliamentary procedure have prevented other committees from delivering opinions on this report. At all events, this report avoids taking up positions on matters requiring in-depth sectoral analysis which should have been the subject of prior consideration by other committees.

19.1.2005

## **OPINION OF THE COMMITTEE ON DEVELOPMENT**

for the Committee on International Trade

on the proposal for a Council regulation applying a scheme of generalised tariff preferences (COM(2004)0699 – C6-0001/2005 – 2004/0242(CNS))

Draftsman(\*): Margrietus van den Berg

(\*): Enhanced cooperation between committees - Rule 47 of the Rules of Procedure

### **SHORT JUSTIFICATION**

The proposed regulation for a new scheme of generalised tariff preferences was issued by the Commission on 20 October 2004, and, according to the text proposed by the Commission, should regulate the GSP from 1 July 2005 to 31 December 2008.

The proposal follows a Communication dated 7 July 2004 setting out the guidelines of the new GSP system for the ten-year period from 2006 to 2015. Following the presentation of oral questions to the Commission and the Council by the DEVE and INTA Committees, this Communication was widely debated in Plenary on 14 October, and was the subject of a resolution adopted practically unanimously.

Since its creation in 1971, the GSP has been a key instrument of the EU's Development Policy. Indeed, every year the EU "donates" 2.2 billion USD dollars in the form of trade preferences, which is actually superior to the level of official development aid.

It is the responsibility of the Development Committee in particular and of the European Parliament in general to maintain this strong development focus of the GSP system.

The reforms proposed in the draft regulation were previously outlined by the Commission in its Communication of 7 July, to which the Parliament reacted on 14 October with a resolution adopted by a large majority. As the EP stated in that resolution, the draftsman strongly supports the objectives set out in the Communication and further developed in the draft regulation, such as the simplification, stabilisation and clarification of the arrangements, the concentration of preferences on those developing countries most in need, and the enhancement of the sustainable development component.

There are, however, some discrepancies between the Communication and the draft regulation issued by the Commission, about which the Parliament should ask for clarification or further information.

The first discrepancy between the Communication and the legislative text, observed by the draftsman, is the proposed timing of application of the regulation. Since the beginning of the revision process, and until the 20 of October (the very day this draft regulation was published), the Commission maintained that the date for the new regulation's entry into force would be 1 January 2006. This date was confirmed by Commissioner Pascal Lamy in his speech at the European Parliament plenary session on 14 October. As mentioned by many parliamentarians during the debate with Pascal Lamy, this date already implied a tight timetable for consultation with the EP and stakeholders.

For the Commission, it has always been a priority that the GSP instrument should be predictable, and it has always insisted that the new GSP regulation should be adopted at least 12 months before its entry into force. Commissioner Lamy agreed that this period could be shortened to nine months, to provide enough time for a meaningful consultation with the EP.

The Council recognised, in its conclusions adopted on 12 October, the need for a meaningful consultation with the EP and other stakeholders on the GSP reform, as well as the need to give economic operators adequate time to adapt to the new rules.

Now that the Commission draft has been published, we see that the proposed date for entry into force is 1 July 2005. The Commission explains that this change was related to a WTO panel brought by India to challenge the GSP drugs regime. The ruling obliges the EU to implement changes by 1 July 2005 and the Commission proposes to do this through the proposed reform. However, the draftsman considers that the EU should consider the following factors:

- ✓ If the new regulation enters into force on 1 July 2005, this could potentially cause enormous damage for the countries currently benefiting from the GSP special arrangements (labour rights, protection of the environment and to combat drug production and trafficking), including the Andean Community and Central American countries. They will, in theory, qualify for a similar regime (GSP plus) but they will need more than three months to prepare for it. Some countries, like El Salvador, would need to reform their Constitutions before ratifying some of the conventions.
- ✓ The timetable proposed by the Commission goes against some of the principles previously stated by the Commission itself:
  - the need for a meaningful consultation with stakeholders
  - the need for predictability for economic operators
  - the need for customs administrations to prepare themselves to apply a new system
  - the risk of creating a dangerous legal vacuum if the previous regime is repealed by 30 June 2005 (as stated in the proposal), but the new regime is not yet in place. It would be too optimistic to think that the Commission and the Council will be able to adopt the list of "GSP plus" beneficiaries by 1 July 2005.

In consequence, in his amendments the draftsman proposes to return to the scheduled date of 1 January 2006, while he encourages the Commission and the Council to look for alternative solutions in order to comply with the WTO ruling without bringing forward the date of entry into force of the current regulation.

Furthermore, the draftsman has proposed changes to some articles, in order to include the European Parliament and civil society representatives as potential sources of information and verification for the implementation of relevant conventions.

Finally, the draftsman has proposed minor changes in the drafting of some articles, with a view to clarifying their legal meaning.

The draftsman intends to address additional issues in further amendments to his own draft text, once he has consulted relevant stakeholders. This will particularly affect:

- ✓ The rules of origin. In the Communication, the Commission stated its intention to reform the system of rules of origin in form, substance and procedures, recognising that the complexity of these provisions is one of the main reasons for the under-utilisation of GSP trade preferences, particularly by Least Developed Countries. However, the draft regulation presents no change at all to the current system. The position of the EP was clearly stated in the resolution unanimously adopted on 14 October: expansion to cross-regional cumulation, and consideration of full or global cumulation.

The draftsman intends to ask the EP to commission an independent expert review of this issue, to be sent to the Commission and the Council for consideration, in time for the next review of the regulation within three years.

- ✓ The "generosity" of the instrument. Recognising that the EU GSP is the most generous trade preference scheme offered by any developed countries to the developing world, the draftsman would like to recall that in this draft regulation the Commission has not gone as far as it could. The EU could use three tools to tackle the problem of erosion of preferences: enlarge the list of products covered by the system, move some products from the "sensitive" category to the "non sensitive" and increase the preferential margins for both categories. In this draft regulation the Commission has decided to apply only the first possibility by including some 300 new products in the list of products covered by the system. This may be enough for the first three years, but the Development Committee should encourage the Commission and the Council to start looking at the other two possibilities as well. This will be especially relevant if, as a result of a successful conclusion of the Doha Round the erosion of preferences becomes more acute.

The draftsman will certainly address further points in his future amendments after taking into account the view of interested parties. These are: social dialogue (involvement of Trade Unions in the revision of GSP "plus" requirements), revision clauses (safeguard provisions, Article 15) and a deeper analysis of the new proposed graduation mechanism (based exclusively on market share criteria, Article 13).

## AMENDMENTS

The Committee on Development calls on the Committee on International Trade, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission<sup>1</sup>

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Amendments by Parliament

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Amendment 1  
Recital 1 a (new)

***(1a) Since its creation, the Generalised System of Preferences (GSP) has been one of the key instruments to assist developing countries to reduce poverty by helping them to generate revenue through international trade and to contribute to their sustainable development by promoting industrial development and the diversification of their economies.***

*Justification*

*The draftsman wants to underscore that the first and overall objective of the scheme is to assist developing countries to reduce poverty.*

Amendment 2  
Recital 6 a (new)

***(6a) In order to increase the utilisation rate of the GSP and to allow developing countries to capture the benefits of international trade and preferential arrangements, the European Union will strive to provide these countries, and in particular the LDCs, with adequate technical assistance.***

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<sup>1</sup> Not yet published in OJ.

Amendment 3  
Recital 7

(7) The special arrangement for sustainable development and good governance is based on an integral concept of sustainable development as recognized by international conventions and instruments such as the UN Declaration on the Right to Development of 1986, the Rio Declaration on Environment and Development of 1992, the ILO Declaration on Fundamental Principles and Rights at Work of 1998, the UN Millennium Declaration of 2000 and the Johannesburg Declaration on Sustainable Development of 2002. Consequently, developing countries which due to a lack of diversification and insufficient integration into the international trading system are vulnerable while assuming special burdens and responsibilities due to the ratification and effective implementation of core international conventions on human and labour rights, environmental protection and good governance should benefit from additional tariff preferences. These preferences are designed to promote further economic growth and thereby to respond positively to the need for sustainable development. Under this arrangement tariffs are therefore suspended for the beneficiary countries.

(7) The special arrangement for sustainable development and good governance is based on an integral concept of sustainable development as recognized by international conventions and instruments such as the UN Declaration on the Right to Development of 1986, the Rio Declaration on Environment and Development of 1992, the ILO Declaration on Fundamental Principles and Rights at Work of 1998, the UN Millennium Declaration of 2000 and the Johannesburg Declaration on Sustainable Development of 2002. Consequently, developing countries which due to a lack of diversification **and means of economic development** and to insufficient **appropriate** integration into the international trading system are vulnerable, while assuming special burdens and responsibilities due to the ratification and effective implementation of core international conventions on human and labour rights, environmental protection and good governance, should benefit from additional tariff preferences. These preferences are designed to promote further economic growth and thereby to respond positively to the need for sustainable development. Under this arrangement tariffs are therefore suspended for the beneficiary countries.

Amendment 4  
Recital 16 a (new)

***(16a) The threshold for the graduation of section 11 for a beneficiary country should be no lower than 12,5%.***

Amendment 5  
Recital 17 a (new)

***(17a) Regulation (ECC) No 2454/93 laying down the system of rules of origin will be reviewed in the near future in order to better serve the purpose of promoting economic and industrial development.***

***The review will be completed at the latest one year prior to the expiry of this Regulation and will cover the form, substance and procedures of the system of origin of rules, based on best international practice and with a view to harmonising existing systems within the EU.***

***The new system of rules of origin will consider, amongst other issues, cross-regional cumulation and global cumulation, the elimination of the requirement of a double transformation process for certain products, and the consideration of a country as eligible for GSP and Everything But Arms (EBA) preferential treatment even if it is not the final country for export, provided that significant value is added to the goods in that country.***

#### *Justification*

*The current rules of origin are stricter than necessary to meet their objective. Consequently, utilisation rates of GSP preferences, including EBA, remain unacceptably low. The Commission should adapt the rules of origin as soon as possible so that these rules better serve the purpose of promoting economic and industrial development.*

#### Amendment 6 Recital 21 a (new)

***(21a) According to Article 37(6) of the ACP-EU Partnership Agreement, the revision of this Regulation in 2008 shall take into account the interests of the ACP countries, including non-LDC countries,***

***not willing or able to conclude an Economic Partnership Agreement (EPA) in the context of the Cotonou Agreement, so that the GSP becomes a valuable alternative 'safety net' for these countries.***

#### *Justification*

*In June 1998, in setting the mandate for the negotiation of EPAs in the context of the Cotonou agreement, the Council and Commission stated that the 2004 review of the GSP would provide non-LDC ACP countries that are not in a position to join such EPAs with a new framework for trade which would be equivalent to that available to them under the Lomé Convention. The current GSP regulation does not provide an adequate alternative for these preferences and should therefore be subject to possible revision after future discussions with ACP countries.*

#### Amendment 7 Article 3, paragraph 5

5. When a beneficiary country benefits from a commercial agreement with the Community ***which covers at least all the preferences provided by the present scheme for this country, it is excluded from the list of beneficiary countries in Annex I.***

5. When a beneficiary country benefits from a commercial agreement with the Community, ***application of the commercial agreement shall take precedence provided it includes the preferences provided for by the present scheme for this country and the possibility of acquiring preferences equivalent to the special incentive arrangement on the same conditions as under this Regulation. The commercial agreement will exclude the country concerned*** from the list of beneficiary countries in Annex I.

#### *Justification*

*The current text of the Regulation differs from that of the explanatory memorandum in that the Regulation leaves the possibility that some FTAs with developing countries, such as EPAs, provide for a preferential access that is less favourable than this new GSP, whereas the explanatory memorandum states that EPAs will have to provide a preferential access that is similar to the one received before.*

*The special incentive arrangement is an essential part of the GSP as an incentive for*



*sustainable development, good governance and the environment and should therefore have a place in any future commercial arrangements between the European Union and developing countries.*

Amendment 8  
Article 3, paragraph 5 a (new)

***5a. When the Commission calculates graduation percentages, the level of imports formerly eligible for GSP of countries under Article 3(5), will be included in the calculation.***

*Justification*

*When the European Union signs commercial agreements with developing countries these countries will therefore not be eligible for GSP anymore. This should not influence the graduation percentages of other developing countries.*

Amendment 9  
Article 5, paragraph 2

2. For the purposes of the arrangements referred to in Article 1(2) of this Regulation, the rules of origin, concerning the definition of the concept of originating products, the procedures and the methods of administrative cooperation related hereto, are laid down in Commission Regulation (EEC) No 2454/93.

2. For the purposes of the arrangements referred to in Article 1(2) of this Regulation, the rules of origin, concerning the definition of the concept of originating products, the procedures and the methods of administrative cooperation related hereto, are laid down in Commission Regulation (EEC) No 2454/93. ***The form, substance and procedures of the system of origin rules will be subject to regular revision in order to evaluate its effect on GSP utilisation rates and to better serve the purpose of promoting economic and industrial development.***

*Justification*

*The current rules of origin are stricter than necessary to meet their objective. Consequently, utilisation rates of GSP preferences, including the 'Everything but Arms (EBA)' regime, remain unacceptably low. The Commission should regularly evaluate and revise the rules of origin system in order to improve utilisation rates and thus to better fulfil the purpose of promoting economic and industrial development.*

Amendment 10  
Article 7, paragraph 2

2. Common Customs Tariff *ad valorem* duties on products listed in Annex II as sensitive products shall be reduced by **3,5** percentage points. For products of Section 11, this reduction shall be **20** %.

2. Common Customs Tariff *ad valorem* duties on products listed in Annex II as sensitive products shall be reduced by **4** percentage points. For products of Section 11, this reduction shall be **30** %.

*Justification*

*The draftsman thinks this percentage should be increased according to the objectives stated in Commission Communication COM(2004) 461.*

Amendment 11  
Article 7, paragraph 4

4. Common Customs Tariff specific duties other than minimum or maximum duties on products listed in Annex II as sensitive products shall be reduced by **30** %. **For products of CN code 2207, the reduction shall be 15** %.

4. Common Customs Tariff specific duties other than minimum or maximum duties on products listed in Annex II as sensitive products shall be reduced by **40** %.

*Justification*

*The draftsman thinks this percentage should be increased according to the objectives stated in the Commission Communication COM(2004) 461. There is no justification for applying a lower preferential margin to alcoholic beverages (CN code 2207).*

Amendment 12  
Article 9, paragraph 1, indent 2 a (new)

*- for a specific reason and for a temporary period is not able to ratify all the required conventions, but has shown commitment to and subsequent compliance with the principles and rights enshrined in the conventions, provided that it will, in the foreseeable future, ratify the conventions, and;*

#### *Justification*

*This amendment is inspired by the example of El Salvador, whose Constitution at present time does not allow ratification of Convention 87 relative to freedom of association and Convention 98 relative to collective negotiation. If El Salvador shows that is willing to reform its Constitution in the near future, and in practice respects the principles of the Conventions, it should temporarily be allowed to benefit from the GSP Special Incentive Arrangement.*

#### Amendment 13

Article 9, paragraph 1, last sentence

In any case, the 27 conventions have to be ratified by the beneficiary countries **by 31 December 2008**.

In any case, the 27 conventions have to be ratified by the beneficiary countries **within 4 years after first being granted the special incentive arrangement**.

#### *Justification*

*The special incentive arrangement is an essential part of the GSP as an incentive for sustainable development and good governance. It should therefore not be limited to the countries that are sufficiently developed when this Regulation enters into force, but should remain an incentive in the years to come.*

#### Amendment 14

Article 10, paragraph 1, point (a)

(a) a country or territory listed in Annex I made a request to that effect **within three months after the date of publication of this Regulation**, and

(a) a country or territory listed in Annex I made a request to that effect, and

### *Justification*

*The special incentive arrangement is an essential part of the GSP as an incentive for sustainable development and good governance. It should therefore not be limited to the countries that are sufficiently developed when this Regulation enters into force, but should remain an incentive in the years to come.*

### Amendment 15

#### Article 11, paragraph 1

1. Where the Commission receives a request accompanied by the information referred to in Article 10(2), the Commission shall examine the request. The examination shall take into account the findings of the relevant international organisations and agencies. It may ask the requesting country any question which it considers relevant and **may** verify the information received with the requesting country **or any natural or legal person**. The Commission shall inform the requesting country of its assessment and invite to comment.

1. Where the Commission receives a request accompanied by the information referred to in Article 10(2), the Commission shall examine the request. The examination shall take into account the findings of the relevant international organisations and agencies. It **should** verify the information received with the requesting country **and other relevant sources, including the European Parliament and relevant representatives of civil society, such as social partners**, and may ask the requesting country any question which it considers relevant. The Commission shall inform the requesting country of its assessment and invite to comment.

### *Justification*

*The European Parliament and other 'relevant sources', such as representatives of civil society, including National Parliaments, should be taken into account when verifying the implementation of most of the conventions included in Annex III, such as the conventions related to human rights and labour standards. The draftsman has also added 'social partners' which includes Trade Unions, since their contribution may be highly relevant to verify implementation of ILO conventions.*

### Amendment 16

#### Article 15, paragraph 1, point (e a)

**(e) bis serious and systematic unfair trading practices not covered under (e) but**

**deleted**

*which have adverse effects to the Community interest and can not be addressed under (e) or Article 20;*

*Justification*

*Suspension of the arrangements granted to the countries concerned should be justified on the grounds of social and environmental dumping and not of the Community interest per se. It is therefore proposed that these aspects of dumping be covered in point 15 b. Moreover, protection is also afforded to especially vulnerable sectors under Article 20.*

Amendment 17

Article 16, paragraph 1

1. Where the Commission or a Member State receives information that may justify temporary withdrawal and where the Commission considers that there are sufficient grounds for an investigation, the Commission shall inform the Committee.

1. Where the Commission, ***the European Parliament*** or a Member State receives information that may justify temporary withdrawal and where the Commission considers that there are sufficient grounds for an investigation, the Commission shall inform the Committee ***and the European Parliament***.

*Justification*

*The role of the European Parliament should be reinforced.*

Amendment 18

Article 17, paragraph 3

3. The Commission shall seek all information it considers necessary and may verify the information received with economic operators and the beneficiary country concerned. The available assessments, comments, decisions, recommendations and conclusions of the various supervisory bodies of the UN, the ILO and other competent international organizations, shall serve as the point of

3. The Commission shall seek all information it considers necessary and may verify the information received with economic operators, ***relevant representatives of civil society, including social partners***, and the beneficiary country concerned. The available assessments, comments, decisions, recommendations and conclusions of ***other EU institutions and*** the various supervisory bodies of the UN, the

departure for the investigation as to whether temporary withdrawal is justified for the reason referred to in point (a) of Article 15(1).

ILO and other competent international organizations, shall serve as the point of departure for the investigation as to whether temporary withdrawal is justified for the reason referred to in point (a) of Article 15(1).

#### *Justification*

*Since the withdrawal of preferences may be decided now not only on the basis of economic considerations, as before, but also on the basis of violations of principles laid down in the conventions listed in Annex III, the consultation with the civil society (including social partners such as Trade Unions) and the other EU institutions (including the European Parliament) is obligatory.*

#### Amendment 19 Article 26, paragraph 2 a (new)

***2a. The Commission shall prepare an impact assessment study of the effects of the GSP covering the period from 1 July 2005 to 1 January 2007. The study shall be transmitted to the Committee, the European Parliament and the Economic and Social Committee by 1 March 2007.***

#### *Justification*

*In order to adequately review the Regulation in 2008, a good impact-assessment study on the functioning of the system during the period 2005 to 2007 is necessary.*

#### Amendment 20 Article 26, paragraph 2 b (new)

***2b. The Committee will set the contents of the impact-assessment study which will in any event cover at least the following points:***

***- a comparative study of GSP utilisation rates under this Regulation and the***

*previous ones, in order to identify the positive and negative trends;*

*- an evaluation of the effects of the graduation in the poverty indicators of the countries affected;*

*- a preliminary assessment (by extrapolation) of the effects of future graduation on the countries likely to be graduated in the next regulation;*

*- a comparative study of the preferential treatment offered by the GSP and the ACP-EU Cotonou Agreement to ACP countries, with a view to incorporating into a revised regulation those changes necessary to take into account the specificity of some ACP economies.*

#### *Justification*

*In order to adequately review the Regulation in 2008, a good impact-assessment study on the functioning of the system during the period 2005 to 2007 is necessary. There are some elements that should be included in it, and they are listed here.*

#### Amendment 21 Article 26, paragraph 3

3. The Committee shall examine the effects of the Community scheme of generalised tariff preferences, on the basis of ***a report from the Commission covering the period 1 July 2005 to 31 December 2008. This report shall cover all preferential arrangements referred to in Article 1(2).***

3. The Committee shall examine the effects of the Community scheme of generalised tariff preferences, on the basis of ***the impact-assessment study referred to in Article 26(2a).***

#### *Justification*

*In order to adequately review the Regulation in 2008, a good impact-assessment study on the*

*functioning of the system during the period 2005 to 2007 is necessary.*

Amendment 22  
Article 30, paragraph 1 a (new)

***1a. The provisions of Council Regulation (EC) No 2501/2001 contained in Title II, Sections 2 and 4, Title III, Sections 1 and 2 and Title IV shall be maintained for the countries that are eligible under the preferential treatment provided for in Section 2 of this Regulation but which, due to lack of time, have not been able to comply with the administrative procedures.***

*Justification*

*The objective of this amendment is to maintain the preferential treatment of the countries currently benefiting from GSP special incentives (drugs, labour rights or environment) until they are ready to comply with the heavy administrative procedure necessary to benefit from the GSP plus. The Commission claims that everything will be ready by 1 July 2005. The draftsman does not have strong arguments to disbelieve the Commission, and therefore maintains the date of entry into force of the new Regulation (1 July 2005). The draftsman withdraws, in consequence, his previous amendments 2, 3 and 7.*

*However, in order to respect the need for predictability for economic operators, the need for customs administrations to prepare themselves to apply a new system, and in order to avoid the risk of creating a dangerous legal vacuum if the previous regime is repealed by 30 June 2005 but the new regime is not yet in place, the rapporteur proposes this amendment.*

*This new formulation of the entry into force of the current Regulation is more respectful with the WTO ruling but at the same time avoids damaging beneficiary countries and economic operators, given the high degree of predictability.*

Amendment 23  
Article 30, paragraph 3 a (new)

***3a. The proposal for a revised regulation covering the period 1 January 2009 to 31 December 2011 shall be transmitted by the Commission to the Council, the European Parliament and the Economic and Social***



***Committee by 1 June 2007. The new proposal shall duly take into consideration the results of the impact-assessment study referred to in Article 26(2a).***

*Justification*

*In order to comply with the requirement of one-year predictability requested by beneficiary countries and economic operators, the revised Regulation should be approved by 1 January 2008. In order to allow for a meaningful consultation with the European Parliament and relevant stakeholders, the proposal should be issued at least six months in advance (1 June 2007). This timing enables the Commission to incorporate the findings of the impact-assessment study, which shall be published by 1 March 2007. Ideally this timing of reporting and revision should be incorporated in future Regulations.*

## PROCEDURE

<b>Title</b>	Proposal for a Council regulation applying a scheme of generalised tariff preferences
<b>References</b>	COM(2004)0699 – C6-0001/2005 – 2004/0242(CNS)
<b>Committee responsible</b>	INTA
<b>Committee asked for its opinion</b>	DEVE 11.1.2005
<b>Enhanced cooperation</b>	Yes
<b>Draftsman</b> Date appointed	Margrietus van den Berg 2.12.2004
<b>Discussed in committee</b>	2.12.2004      19.1.2005
<b>Date amendments adopted</b>	19.1.2005
<b>Result of final vote</b>	for:                      32 against:                0 abstentions:           0
<b>Members present for the final vote</b>	Alessandro Battilocchio, Margrietus van den Berg, Danutė Budreikaitė, Marie-Arlette Carlotti, Nirj Deva, Koenraad Dillen, Alexandra Dobolyi, Fernando Fernández Martín, Michael Gahler, Jana Hybášková, Glenys Kinnock, Wolfgang Kreissl-Dörfler, Ģirts Valdis Kristovskis, Maria Martens, Miguel Angel Martínez Martínez, Luisa Morgantini, Józef Pinior, José Javier Pomés Ruiz, José Ribeiro e Castro, Toomas Savi, Frithjof Schmidt, Jürgen Schröder, Feleknas Uca, María Elena Valenciano Martínez-Orozco, Anna Záborská, Jan Zahradil, Mauro Zani
<b>Substitutes present for the final vote</b>	Fiona Hall, Alain Hutchinson, Manolis Mavrommatis, Zbigniew Zaleski, Gabriele Zimmer
<b>Substitutes under Rule 178(2) present for the final vote</b>	

## PROCEDURE <sup>(1)</sup>

<b>Title</b>	Proposal for a Council regulation applying a scheme of generalised tariff preferences				
<b>References</b>	COM(2004)0699 – COM(2005)0043 - C6-0001/2005 - 2004/0242(CNS)				
<b>Legal basis</b>	Article 133 EC				
<b>Basis in Rules of Procedure</b>	Rule 51				
<b>Date of consulting Parliament</b>	4.1.2005				
<b>Committee responsible</b> Date announced in plenary	INTA 11.1.2005				
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	DEVE 11.1.2005	BUDG 11.1.2005	ENVI 11.1.2005	AGRI 11.1.2005	PECH 11.1.05
<b>Not delivering opinion(s)</b> Date of decision	BUDG 15.12.2004	ENVI 30.11.2004	AGRI 23.11.2004	PECH 25.01.2005	
<b>Enhanced cooperation</b> Date announced in plenary	DEVE 13.1.2005				
<b>Rapporteur(s)</b> Date appointed	Antonlín Sánchez Presedo 25.10.2004				
<b>Previous rapporteur(s)</b>					
<b>Simplified procedure</b> Date of decision					
<b>Legal basis disputed</b> Date of JURI opinion	/				
<b>Financial endowment amended</b> Date of BUDG opinion	/				
<b>European Economic and Social Committee consulted</b> Date of decision in plenary					
<b>Committee of the Regions consulted</b> Date of decision in plenary					
<b>Discussed in committee</b>	1.9.2004 22.2.2005	30.9.2004	12.12.2004	17.1.2005	2.2.05
<b>Date adopted</b>	22.2.2005				
<b>Result of final vote</b>	for: 25		against: 0		
	abstentions: 4				
<b>Members present for the final vote</b>	Kader Arif, Enrique Barón Crespo, Françoise Castex, Giulietto Chiesa, Jan Christian Ehler, Glyn Ford, Sajjad Karim, Alain Lipietz, Caroline Lucas, Erika Mann, David Martin, Javier Moreno Sánchez, Godelieve Quisthoudt-Rowohl, Bogusław Rogalski, Tokia Saïfi, Peter Šťastný, Robert Sturdy, Johan Van Hecke, Daniel Varela Suanzes-Carpegna and Zbigniew Zaleski				
<b>Substitutes present for the final vote</b>	Margrietus van den Berg, Danutė Budreikaitė, Anna Elzbieta Fotyga, Filip Andrzej Kaczmarek, Maria Martens, Antolín Sánchez Presedo and Jonas Sjöstedt				
<b>Substitutes under Rule 178(2) present for the final vote</b>	Manolis Mavrommatis and Zuzana Roithová				
<b>Date tabled – A6-</b>	24.2.2005		A6-0045/2005		

<b>Comments</b>	...
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